

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

BRIGHTON TRUSTEES, LLC,
AS TRUSTEE, *et al.*,
Plaintiffs,

v.

GENWORTH LIFE AND ANNUITY
INSURANCE COMPANY,
Defendant.

Civil No. 3:20cv240 (DJN)

**[AMENDED PROPOSED] ORDER AWARDING
FEES, EXPENSES, AND INCENTIVE AWARDS**

WHEREAS, Plaintiffs Brighton Trustees, LLC, on behalf of and as trustee for Diamond LS Trust; Bank of Utah, solely as securities intermediary for Diamond LS Trust; and Ronald L. Daubenmier (together, “Plaintiffs”), on behalf of themselves and the certified class, entered into a settlement (the “Settlement”) with Defendant Genworth Life & Annuity Insurance Company;

WHEREAS, on June 3, 2022, the Court entered an Order Preliminarily Approving Class Action Settlement (“Preliminary Approval Order”). ECF No. 136. Among other things, the Preliminary Approval Order authorized Class Counsel to disseminate notice of the Settlement, the fairness hearing, and related matters to the Class. Notice was provided to the Class pursuant to the Preliminary Approval Order (ECF No. 138), and the Court held a fairness hearing on October 17, 2022, at 3:00 p.m.;

WHEREAS, Class Counsel filed a fee application, seeking attorneys’ fees, expenses, and incentive awards;

WHEREAS, no Settlement Class Member objected to or opposed this application; and

WHEREAS, only two policies opted out during the Federal Rule of Civil Procedure 23(e)(4) period, which resulted in a Final Settlement Fund of \$24,997,961.25, pursuant to the terms of the Settlement Agreement.

NOW THEREFORE, having considered Class Counsel’s Motion for Attorneys’ Fees, Reimbursement of Litigation Expenses, and Incentive Awards, supporting declarations, oral argument presented at the fairness hearing, and the complete records and files in this matter,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. The capitalized terms used herein shall have the meanings set forth in the Settlement Agreement.

2. Class Counsel shall receive attorneys' fees equal to 33 1/3% of the Final Settlement Fund created by the Settlement, which equals \$8,332,653.75, plus a *pro rata* share of the interest earned on the Final Settlement Fund at the same rate and for the same period as earned by the Final Settlement Fund, to be paid out of the Final Settlement Fund.

3. Class Counsel shall be reimbursed \$800,981.03 in costs and expenses reasonably incurred in the prosecution and settlement of this litigation, to be paid out of the Final Settlement Fund created by the Settlement.

4. The Settlement Administration Expenses through June 30, 2022, are \$26,826.81. These are separate from the costs and expenses outlined in the paragraph above. Under the terms of the Settlement Agreement, those costs are payable out of the Final Settlement Fund. Any additional Settlement Administration Expenses may be paid out of the Final Settlement Fund as they become due.

5. The Court shall entertain any supplemental application for reimbursement of expenses incurred by Class Counsel on behalf of the Settlement Class.

6. Plaintiffs Brighton Trustees LLC, Bank of Utah, and Ronald Daubenmier shall each be paid an incentive award equal to \$25,000, payable out of the Final Settlement Fund.

7. This Order shall become effective immediately.

Dated: _____

DAVID J. NOVAK
U.S. District Judge

CERTIFICATE OF SERVICE

I hereby certify that on September 2, 2022, a true and correct copy of the foregoing was served on all parties of record via the Court's CM-ECF system.

/s/ Kathleen J.L. Holmes